G. R. S. IX-5]

Previous references.

Legi 38-11(1-3) 1915-16 (Legislative)

Later references.

224-17

File No. 30-15

Serial Nos. 1+2

Preserve
AM 23/7/19

GENERAL AND REVENUE SECRETARIAT.

20

Serial Nos. 1+2

Part B for August 1917.

SUBJECT.

Amendment of the Mysore Muzrai Regulation, 1913.

W D 88—GPB—50,000—24-7-16

to Abdur Rahman Khan
17. 9. 17

G.R.S. 11]

1915-16.

~~191~~

GENERAL AND REVENUE SECRETARIAT.

(Legis.)

NOTES.

Legis. File No. 30-

FILE HEADING.

Amendment of the Mysore Muzrai Regulation, 1913.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS

Extracts from the 1st Members orders at pages 6 and 7 of the notes in Muzr. 571 of 1913-14.

1) When the order of 1910* was passed, I lost sight of the F.B. case of the chief Court in which two of the judges held that

* No 825-Muz. 387-08-14 dated 27th Sep: 1910

Mysore ~~Cont~~ L.R. Vol. XVIII P.1 also M.C.C.R. III P.13

NOTES—First Sheet.

GPB—35,000—15 6-12

Serial No.

all cases of Pujari rights were outside the jurisdiction of the civil courts. This decision was lost sight of when the Muzrai Regulation was passed. The present dispute however is not affected by the Muzrai Regulation which came into force effect only from 1st January 1914.

Even now, I am not disposed to agree with the contention that civil courts have no jurisdiction and that Muzrai officers have jurisdiction in case of temples which are not Muz. institutions as defined in the Muzrai Regn. In the F.B. case, the temples in question had an inam granted by Govt. and was therefore a Muzrai Institution. I cannot therefore hold that that decision is an authority on this point.

2) The Muzrai Regulation has reproduced the matter of the chief Court's circular and made it more definite and to remove all doubts, the circular of the chief court may be repealed by

J hus 55-14

[G. R. S. 12]

General and Revenue Secretariat.

Legs File No. 30 of 1915

Serial No.

an amending Regulation, the Legislative Department may be asked to submit a draft

× × × ×

× × × ×

Initd. H.V.N.
6/8/14

Mis 571-13
This came in Sec III from Excise and Salt Department (J hus 253-14) 9/12/14
file returned to Sec VII again on 18/12/14 and received back in Sec III on 10/12/15

1)
Submitted with a draft amending Bill.

28/12/15

2) In favour of approval

Fin Member)

3) The draft is approved. The file may be circulated for Council.

13/1/16

Dewan)

Dwe gotla 5/1

4) Lapse

C.S. 18/1/16

5) Lapse

20/1/16

3626
15-1-16

(Contn. Completed)

6) approve.
21.1.16

7) BSN 20/1

NOTE—Contn. sheet.

J gn. 285-14

G. R. S. 12]

General and Revenue Secretariat.

Legs. File No. 30 of 1915.

Serial No.

8) A draft final note is submitted for approval.

29.1

First Member)

9) Final note signed by the first member is put up.

7/2/16

10) Draft note of Submission is also submitted for approval

8/2

Dewan)

Dwarakanath Rao 8/2

L1150/8.2.16

NOTE—Contn. shee

(For disposal by circulation)

No. C. 96

20/1 1916.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule)

Draft Bill to amend the Mysore Muzrai Regulation, 1913.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasingha Rao.

19th January 1916.

Secretary to Government.

Extraordinary Member of Council. Opinion recorded by the Extraordinary Member. 21.1.16.

First Member of Council. Seen by the First Member of Council.

Second Member of Council. Opinion recorded by 2nd Member

GPB—1,000—28-8-14

Final Note by the First Member of Council.

Subject:— Bill to amend the Mysore Muzrai Regulation, 1913.

11) In the Full Bench case of Appaiya versus Beere Gowda (18 M.L.R. I.) the Chief Court held that the circular order of the Chief Commissioner of Mysore issued on the 26th. October 1854 prohibiting the institution of suits for pujari rights in civil courts, not having been cancelled or repealed, the jurisdiction of the civil courts in such matters is excluded even as regards pujaris of private temples which are not Government institutions and which are not under the management of the Muzrai Department.

12) The Muzrai Regulation, 1913, has reproduced the matter of the Chief Commissioner's circular and made it more definite by applying it only to the case of Muzrai Institutions. Thus the case of pujari rights in institutions other than Muzrai Institutions has been left unprovided for.

13) This Bill is therefore framed in order to remove all doubts in the matter and to bring such cases under the jurisdiction of the ordinary civil courts, by expressly repealing the circular order of the 26th. October 1854.

14) The Bill was considered in Council and the Members of Council are agreed that the Bill

may be introduced into the Legislative Council.

5/2/16

H Wampendayga

First member of Council

Submitted to His Highness.

(5) I submit herewith a Final Note by the First Member of Council regarding the amendment of the Mysore Muzrai Regulation, 1913.

(6) 2. If approved by His Highness, the Bill will, as recommended by the Council, be placed before the Legislative Council.

M. Visvesvaraya
18th Feb 1916

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN February 1916.

Serial No.	Subject	Recommendation of Council, or Member of Government in charge, as the case may be	Dewan's recommendation	Orders of His Highness	Orders regarding submission of files (*vide* foot-note)
80	Amendment of the Muzrai Regulation.	The Bill approved by the Council.	The Bill may be approved. 16.2.16		"C" 25.2.16

NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate whether—

File may be submitted at once ... ... a
File may be submitted after His Highness' return ... ... b
File may not be submitted at all c

W D 1860—GPB—200—25 1-16

Record of Cases submitted for the Orders of His Highness the Maharaja

No. 4761
16-2-16

Subject.

Amendment of the Muzrai Regulation.

748

Order.

17) ~~KRW~~
25/2/16

Secy (Genl)
28/2/16

1/3/16

48) 1/3

G. R. S. 12]

General and Revenue Secretariat.

Jmis 2855-14

2521

File No. 30 of 1915.

	Serial No.	
		19) Subd. with a draft D. O. to the Residency which has to be issued from the Dewan's Office. The copy of the Bill to be sent to the Residency has to be attested.
		20) For approval
		Secy) Dewan)
4734 10-3-16		Draft approved by the Dewan has been issued and placed on file (Please see D.O. No. 3855 dated 11.3.16).
		CSR
	1	D.O. No 3855 dated 11th March 1916 To the Hon'ble the Resident in Mysore Forwards a copy of the Bill with statement of Objects and reasons
	2	D.O. No 1854 dated 15/3/16 From the First Asst to the Hon'ble the Resident in Mysore Informs that the Resident has no prima facie objection to the Bill being laid before the Legis. C.
		Subd. The Bill will be included in the Agenda for the next meeting when it comes off.
		18/3/16

NOTE—Contn. sheet.

gf 1048 2521,

J. R. S. 12]

General and Revenue Secretariat. Legis File No. 30 of 191 5

Serial No.

Subs. The Bill was ~~publish~~ placed before the Legis. Council on 28th April 1916 and Leave to introduce the Bill was granted by the Council that day. The Bill was then read and referred to a Select Committee on 29th June 1916. The Select Committee met on the 20th Dec: 1916 and the Bill was recommended ~~to be dropped~~ by the Select Committee to be dropped.

It is not known whether a formal motion to that effect is necessary or whether the file may be recorded now.

30/1/17

30/1/17

May be recorded

30/1/17

NOTE—Contn. sheet.

GPB—20,000—30-6-15

G. R. S. 26]

File No. Miscn 30-15

Serial No. 1

Diary No. of letter replied to

D. O. No. 3855 & 11. Mar 16.
Enc: 2 No.

General and Revenue Secretariat
( )
the *191* .

Date of issue 11. 3. 16.

Signed by Dewan

To

My dear Sir

I enclose herewith copy of a Bill to amend the Mysore Muzrai Regulation 1913, The Statement of Objects and reasons explains clearly the scope of the measure

2. The Bill will be placed before the Legislative Council in due course.

Yours very sincerely

11.3.16. Dewan

Dwee (8)

~~SUBJECT.~~

To The Hon'ble
Col. Sir Hugh Daly K.C.I.E., C.S.I.
Resident in Mysore
Bangalore.

NK
6/3/16.

Bill to amend the
Mysore Muzrai Regulation, 1913

Whereas it is expedient to amend the Mysore Muzrai Regulation, 1913; His Highness the Maharaja is pleased to enact as follows.

Addition of a new section after section 38.

After section 38 of the Regulation the following new section shall be inserted as section 39.

"39. The Chief Commissioner circular order No. 30 dated 26th October 1854 prohibiting the institution of suits for pujari rights in Civil Courts is hereby repealed."

Repeal

Flag I.

Statement of Objects and reasons

In the Full Bench case of Apaiya vs Beera Gowda (18 M.L.R. 1) the Chief Court have held that the Circular order of the Chief Commissioner of Mysore issued on the 26th October 1854, prohibiting the institution of suits for pujari rights in Civil Courts, not having been cancelled or repealed, the jurisdiction of the Civil Courts in such matters is excluded, even as regards pujaris of private temples which are not Government institutions and which are not under the management of the ~~Government~~ Muzrai Department.

Flag I

The Muzrai Regulation

has reproduced the matter of the chief Commr circular and made it more definite by applying it only to the case of Muzrai Institutions

Thus the case of puyan rights in institutions other than Muzrai Institutions has been left unprovided for

To remove all doubts in the matter and bring such ~~suits~~ cases under the jurisdiction of the ordinary civil courts it is now proposed to expressly repeal the circular order of the 26th October 1854.

E
29/11

Legis 30-15-2

J 2521

D. O. No. 3424.

BANGALORE.

D. O. No. 1854.

16th March 1916

My dear Dewan Sahib

I am desired to acknowledge, with thanks, the receipt of your d.o. letter No. 3855, dated the 11th March 1916, forwarding a copy of a Bill to amend the Mysore Muzrai Regulation, VI of 1913.

Yours sincerely

Sir M. Visvesvaraya, K.C.I.E.,

Dewan of Mysore.

NOTIFICATION.

No. 429—L. C., dated Bangalore, the 30th May 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the following bill to amend the Mysore Muzrai Regulation, 1913, is published for general information together with a statement of objects and reasons.

By Order,

G. SREENIVASA IYER,

Secretary, Mysore Legislative Council.

A Bill to amend the Mysore Muzrai Regulation, 1913.

Whereas it is expedient to amend the Mysore Muzrai Regulation, 1913; His Highness the Maharaja is pleased to enact as follows:—

Addition of a new section after section 38.

After section 38 of the Regulation the following new section shall be inserted as section 39.

Repeal.

"39. The Chief Commissioner's Circular Order No. 30, dated 26th October 1854, prohibiting the institution of suits for pujari rights in Civil Courts is hereby repealed."

STATEMENT OF OBJECTS AND REASONS.

In the Full Bench Case of Apajia *vs* Beeragowda (18 M. L. R.) the Chief Court have held that the Circular Order of the Chief Commissioner of Mysore issued on the 26th October 1854, prohibiting the institution of suits for pujari rights in Civil Courts, not having been cancelled or repealed, the jurisdiction of the Civil Courts in such matters is excluded, even as regards pujaris of private temples which are not Government institutions and which are not under the management of the Muzrai Department.

The Muzrai Regulation has reproduced the matter of the Chief Commissioner's Circular and made it more definite by applying it only to the case of Muzrai institutions. Thus the case of pujari rights in institutions other than Muzrai institutions has been left unprovided for.

To remove all doubts in the matter and bring such cases under the jurisdiction of the ordinary Civil Courts it is now proposed to expressly repeal the Circular Order of the 26th October 1854.

NOTIFICATION.

No. 293—L. C., dated Bangalore, 25th January 1917.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council the following report of the Select Committee, appointed to consider the Bill to amend the Mysore Muzrai Regulation, 1913, is published for general information.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Mysore Muzrai Regulation, 1913.

We, the members of the Select Committee appointed to consider the Bill to amend the Mysore Muzrai Regulation, 1913, have the honor to submit the following report to the Council. We have examined the Bill and consider that, in view of the Full Bench decision in 12 M. C. C. R. 255 (Mallegowda *versus* Kodisidda), that the Civil Courts in Mysore have jurisdiction in cases relating to pujari rights in respect of temples, etc., which are not under the control or management of the Muzrai Department, the Bill is unnecessary.

We therefore recommend that the Bill may be dropped.

M. KANTARAJ URS.
C. SRIKANTESVARA AIYAR.
C. S. DORASWAMI IYER.
H. NARASINGA RAO.